

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

COPY OF

FEDERAL MARITIME COMMISSION

AGREEMENT NO. 7345-11

San Francisco, California
January 26, 1966

APR 12 1966

The members of the California Association of Port Authorities hereby agree to amend Agreement No. 7345, as amended, as follows:

(1) That the names "United States Maritime Commission" or "Federal Maritime Board" wherever the same may appear in said Agreement, as amended, are hereby deleted and the name "Federal Maritime Commission" substituted in lieu thereof.

(2) That Article 3 - Tariff Changes, as amended by Agreement No. 7345-6, is hereby deleted and the following substituted in lieu thereof:

"(a) The members agree that no change shall be made in the rates, charges, classifications, rules, regulations or practices in any of their tariffs without first obtaining unanimous approval of all of the members of the Committee on Tariffs and Practices, provided, however, that, in the event any proposed change fails to receive such unanimous approval, any member may take independent action with regard thereto in the manner hereinafter in paragraph (b) of this Article provided.

"(b) Proposed tariff changes which have failed of unanimous approval by the Committee on Tariffs and Practices may be made by independent action upon the giving of not less than ten (10) days' prior written notice to the President, the Executive Secretary and each member of the Association, during which period members of the Association shall be afforded an opportunity to consult with each other and to make recommendations. Upon the giving of not less than five (5) days' prior written notice to the President, the Executive Secretary and each member of the Association, any other member may make such changes with regard thereto in its own rates, charges, classifications, rules, regulations and practices as such member may desire. Any recommendation made by any member shall be purely advisory and shall not be binding upon any member.

"(c) Amendments, supplements or reissues of the tariff of any member shall be promptly furnished to the Association and to all other members."

(3) That Article 11 - Employees is hereby deleted and the following substituted in lieu thereof:

"The members may select and contract for or employ such help as may be necessary to carry on the activities of the Association and shall fix the duties and compensation of such contractors or employees."

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- (4) That Article 14 - Duties of Secretary, as amended by Agreement No. 7345-6, is hereby deleted and the following substituted in lieu thereof:

"The Secretary shall keep an accurate record of the proceedings of the Association and shall issue all calls and notices ordered by the President. He shall have custody of all official papers and records, except those of the Treasurer. He shall furnish promptly to the Federal Maritime Commission, Washington, D.C., and to each member of the Association a copy of the Minutes of each meeting."

- (5) That Article 17 - Committees, as amended by Agreement No. 7345-9, is hereby deleted and the following substituted in lieu thereof:

- "(a) The President shall appoint such committees as may from time to time be necessary, except that there shall be a Committee on Tariffs and Practices, consisting of a representative of each member appointed by such member, which Committee shall annually elect its own chairman and vice-chairman.
- "(b) The Committee on Tariffs and Practices shall investigate and study operating costs, methods and practices, as well as traffic conditions, in order to determine just and reasonable rates, charges, classifications, rules, regulations and practices at ports in the State of California, and on behalf of the membership may approve by the unanimous vote of all of its members the adoption of such rates, charges, classifications, rules, regulations and practices.
- "(c) The Committee on Tariffs and Practices is authorized with reference to the rates, charges, classifications, rules and regulations of other than members of this Association, to take such actions, in the name of the California Association of Port Authorities, as are appropriate and necessary to represent the common interest of all Association members before regulatory bodies or rate-making bureaus to secure results in the best interests of California ports. Such action by the Committee on Tariffs and Practices shall be taken only upon unanimous approval of all members of the Committee, and only after each such action has been approved by the President of the Association."

- (6) That Article 18 - Meetings, as amended by Agreement Nos. 7345-5 and 7345-8, is further amended by the addition of Sub-Article (d) thereto reading as follows:

- "(d) The President, at his own discretion, when in the judgment of the President time is of the essence and a special meeting or a meeting by correspondence will result in undue delay, may call a meeting by telephone and fix the date and purpose thereof.

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"The notice of the call of any meeting by telephone shall be given by the Executive Secretary to each member by telephone and by arranging a telephonic conference on the date so fixed between the President and all or so many of the members (but not less than one-half (1/2) of the membership of the Association in good standing) as may be available, and by stating at such telephonic conference the manner of call of said meeting by telephone and the purposes for which such meeting is called, together with the text of any resolutions or other actions proposed. No business other than that which is within the purposes for which the meeting by telephone was called shall be transacted, provided, however, if all members are present and unanimously agree, any other matters within the scope of the agreement may be dealt with at such meeting by telephone. The President shall preside at such meeting by telephone and shall entertain motions, seconds and discussion, put matters to vote and otherwise carry on the business of the meeting by telephone as if such meeting were an annual or special meeting of the Association in person.

"In the event any member is absent from a meeting by telephone, the Executive Secretary shall, as soon after such meeting has adjourned as such absent member may be reached by telephone, advise such member of the purposes of the call and the subject or subjects acted upon at such meeting, of the text of any resolutions or other actions voted upon or taken at such meeting together with the vote thereon, and shall ask for, receive, and, subject to confirmation by telegram or other written communication within twenty-four hours thereafter by such absent member, record such member's vote on each of such resolutions or other actions.

"Any resolution or other action proposed and adopted at a meeting by telephone shall have the same force and effect as though such resolution or other action had been adopted or taken at an annual or special meeting of the Association."

Signed by authority of and on behalf of the following members comprising the entire membership of said Association:


San Francisco Port Authority
Encinal Terminals
Oxnard Harbor District

Parr-Richmond Terminal Co.
Port of Long Beach
Port of Los Angeles

Port of Oakland
Port of Stockton
Sacramento-Yolo Port District



By:


Aaron H. Glickman, Executive Secretary
California Association of Port Authorities